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R 072312Z DEC 09  
FM AMEMBASSY MANAGUA  
TO RUEHC/SECSTATE WASHDC 0245  
INFO WHA CENTRAL AMERICAN COLLECTIVE

UNCLAS MANAGUA 001296

SIPDIS

E.O. 12958: N/A  
TAGS: [FINV](#) [ECON](#) [KIDE](#) [CASC](#) [NU](#)  
SUBJECT: NICARAGUA: AMCIT PROPERTY CLAIMS MONTHLY UPDATE: NOVEMBER 2009

SUMMARY

[¶1.](#) In November 2009, the Government of Nicaragua (GON) reported the resolution of 32 Embassy registered property claims. Twenty-eight of these claims were properties under the control of the Nicaraguan Army. One property was under the control of National Corporations of the Public Sector (CORNAP). With the resolution of these claims, the GON has met two of the benchmarks required for Nicaragua to receive a Section 527 waiver during the 2009-2010 period. To date, the overwhelming majority of resolutions have involved compensation via government-issued indemnification bonds ("bonos de pago de indemnización" or BPIs). As of November 30, 2009, the GON had issued BPIs with a face value of \$363,641,210 to Embassy-registered claimants. Since taking office in January 2007, the Ortega administration has resolved 137 claims, 42 during the current waiver year.

EMBASSY REGISTERED CLAIMS RESOLVED IN NOVEMBER

[¶2.](#) On November 20, 2009, the Attorney General's Office provided the Embassy a copy of the final settlement document, or finiquito, signed by U.S. citizen Juan Barreto on November 19, 2009. Mr. Barreto received BPIs worth 66,627,600 cordobas, approximately \$3,208,587. We have updated our database to reflect this settlement. Mr. Barreto's claim represents 28 properties under the control of the Nicaraguan Army. The resolution of the Barreto case represents the largest number of claims resolved for one U.S. citizen at one time.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Juan Barreto	Lots	28	bonds

[¶3.](#) On November 26, 2009, the Attorney General's Office provided the Embassy a copy of the finiquito signed by U.S. citizens Enrique and Leila Cerdá on August 8, 2008. Mr. and Mrs. Cerdá received BPIs worth 5,530,400 cordobas, approximately \$266,327. We have updated our database to reflect this settlement.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Enrique & Leila Cerdá House		1	bonds

[¶4.](#) On November 26, 2009, the Attorney General's Office provided the Embassy a copy of the finiquito signed by U.S. citizen Indiana Gutierrez on November 24, 2009. Mrs. Gutierrez received BPIs worth 5,084,400 cordobas, approximately \$244,849. We have updated our database to reflect this settlement. Mrs. Gutierrez' property was under the control of CORNAP.

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Indiana Gutierrez	Land	1	bonds

[¶5.](#) On December 2, 2009, the Attorney General's Office provided the Embassy a copy of the finiquito signed by U.S. citizen Manuel Vanegas on No

	Type of	No. of	Type of
Claimant	Claim	Claims	Resolution
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Manuel Vanegas	Land &		
	Machinery	2	bonds

STATUS OF AMCIT PROPERTY AS OF 11/30/09

[¶6.](#) The following is a snapshot of current U.S. citizen property claims. The Embassy maintains separate databases for claims registered before and after the July 31, 2005 deadline in the

Consolidated Appropriations Act.

EMBASSY-REGISTERED CLAIMS	NUMBER
Total Amcits with pending claims	265
Total Amcit claims pending resolution (113 fall under Section 527)	527
Total Amcits registered with the Embassy Prior to July 31, 2005 (269 fall under Section 527)	1,137
Total Amcit claims resolved (421 fall under Section 527)	2,646

EMBASSY-REGISTERED CLAIMS BY CALENDAR YEAR NUMBER

Claims resolved calendar year 2009	80
Claims resolved calendar year 2008	47
Claims resolved calendar year 2007	10
Claims resolved calendar year 2006	81
Claims resolved calendar year 2005	126
Claims resolved calendar year 2004	218
Claims resolved calendar year 2003	243
Claims resolved calendar year 2002	125
Claims resolved calendar year 2001	175
Claims resolved calendar year 2000	70

EMBASSY-REGISTERED CLAIMS RESOLVED BY WAIVER YEAR NUMBER

Registered claims resolved so far in 2009-10 (waiver year: July 29, 2009 - July 28, 2010)	42
Registered claims resolved 2008-09 waiver year	48
Registered claims resolved 2007-08 waiver year	42
Registered claims resolved 2006-07 waiver year	34
Registered claims resolved 2005-06 waiver year	86
Registered claims resolved 2004-05 waiver year	187
Registered claims resolved 2003-04 waiver year	214
Registered claims resolved 2002-03 waiver year	183
Registered claims resolved 2001-02 waiver year	160
Registered claims resolved 2000-01 waiver year	142

Registered claims resolved 1999-00 waiver year	77
Registered claims resolved 1998-99 waiver year	156
Registered claims resolved 1997-98 waiver year	204
Registered claims resolved 1996-97 waiver year	145

EMBASSY-REGISTERED CLAIMS UNDER GON CONTROL NUMBER

Total Amcit properties under GON control	22
(subject to revision)	
GON-held claims resolved 2009-10 waiver year	29
GON-held claims resolved 2008-09 waiver year	3
GON-held claims resolved 2007-08 waiver year	1
GON-held claims resolved 2006-07 waiver year	0
GON-held claims resolved 2005-06 waiver year	3
GON-held claims resolved 2004-05 waiver year	16
GON-held claims resolved 2003-04 waiver year	12
GON-held claims resolved 2002-03 waiver year	11
GON-held claims resolved 2001-02 waiver year	26
GON-held claims resolved 2000-01 waiver year	2
GON-held claims resolved 1999-00 waiver year	2
GON-held claims resolved 1998-99 waiver year	5
GON-held claims resolved 1997-98 waiver year	29
GON-held claims resolved (total)	206

CLAIMS DISMISSED BY GON	NUMBER
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SEPTEMBER 2009	6
march 2008	68
february 2008	15
january 2008	28
november 2007	18
TOTAL	135

DISMISSED CLAIMS LATER RESOLVED IN FAVOR OF U.S.

CLAIMANT	NUMBER
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NOVEMBER 2009	1

SEPTEMBER 2009

4

march 2009

1

APRIL 2009

5

May 2009

4

JUNE 2009

2

July 2009

4

august 2009

1

OTHER CATEGORIES TRACKED	NUMBER
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DECISION AGAINST U.S. CLAIMANT IN COURT	9
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(CLAIM WITHDRAWN BY AMCIT)

CLAIMS WITHDRAWN BY AMCITS (PROPERTY UNDER AMCIT CONTROL)	2
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CLAIMS WITHDRAWN BY AMCITS FOR lack of supporting documents	4
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CLAIMS WITHDRAWN BY AMCITS (CLAIMANT stopped PURSUING Claim)	6
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Total claims resolved by land swaps	7
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Total claims compensated via bonds (face value of bonds \$359.9 million)	1,978
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NON-REGISTERED RESOLUTIONS BY WAIVER YEAR	NUMBER
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Non-registered resolutions 2009-10 waiver year	0
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Non-registered resolutions 2008-09 waiver year	1
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Non-registered resolutions 2007-08 waiver year	6
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Non-registered resolutions 2006-07 waiver year	12
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Non-registered resolutions 2005-06 waiver year	30
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Non-registered resolutions 2004-05 waiver year	0
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Non-registered resolutions 2003-04 waiver year	6
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Non-registered resolutions 2002-03 waiver year	22
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Non-registered resolutions 2001-02 waiver year	93
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Non-registered resolutions 2000-01 waiver year	300
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Non-registered resolutions 1999-00 waiver year	455
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Non-registered resolutions 1998-99 waiver year	310
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Non-registered resolutions 1997-98 waiver year 230

Non-registered resolutions 1996-97 waiver year 208

Total Non-registered resolutions 2,027

TOTAL REGISTERED & NON-REGISTERED RESOLUTIONS

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Total number of Amcit claims resolved 4,673

NON-WAIVER CLAIMS REGISTERED AFTER JULY 31, 2005 NUMBER

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Total Amcit claimants registered with Embassy 16

Total Amcit claims pending resolution 22

NON-WAIVER CLAIMS RESOLVED BY CALENDAR YEAR NUMBER

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Claims resolved in calendar year 2009 1

Claims resolved in calendar year 2008 1

CALLAHAN